



## CITY OF ATLANTA

SHIRLEY C. FRANKLIN  
MAYOR

BUREAU OF BUILDINGS  
ARBORIST DIVISION  
55 TRINITY AVENUE, S.W., SUITE 3800  
ATLANTA, GEORGIA 30303-0309  
Tel: 404.330.6874  
Fax: 404.658.6977

DEPARTMENT OF  
PLANNING AND  
COMMUNITY  
DEVELOPMENT

JAMES E. SHELBY  
COMMISSIONER

AINSLEY CALDWELL  
ARBORICULTURAL  
MANAGER

### TREE CONSERVATION COMMISSION APPEAL FORM AND PROCEDURE

To appeal a decision of an administrative official of the City of Atlanta regarding trees, please submit the following to the Tree Conservation Commission (TCC):

- A. Tree Conservation Commission Appeal Form (pgs. 1-4).
- B. Authorization of Property Owner *only if* appellant is not the owner (pg. 5).
- C. Authorization of Attorney *only if* appellant is an attorney for property owner (pg. 6).
- D. Check for \$75 or signed affidavit stating economic hardship (question 6 on pg. 3).

The cost of filing an appeal is a non-refundable \$75 administrative fee. Make checks payable to City of Atlanta and remit to:

Kathryn Evans, Administrative Analyst, Sr.  
Atlanta City Hall  
Arborist Division, Tree Conservation Commission  
55 Trinity Ave, SW, Suite 3800  
Atlanta, GA 30303-0309

Phone: 404.330.6235; Fax: 404.658.6977  
Email: [kaevans@atlantaga.gov](mailto:kaevans@atlantaga.gov)

Please mail completed appeal form to Kathryn Evans at the above address. When appealing a posted plan to destroy or remove tree(s), you may fax or email the appeal form as long as it is received by close of business on the posted deadline and the check is postmarked on that date. Upon receipt of documents, the case scheduled for the next available TCC Public Hearing date and advertised, and a notice of the Hearing will be placed on the property. TCC Public Hearings are held the **3<sup>rd</sup> Wednesday** of each month and occasionally on the 4<sup>th</sup> Wednesday (if volume requires) at 6:30 pm at City Hall, Committee Room 2.

**Note:** The signature page must be notarized.

A **valid appeal** must identify the section of the tree ordinance the appellant believes a city administrative official misinterpreted or misapplied and/or any facts material to the decision of the administrative official that the appellant believes were misinterpreted or misunderstood.



## TREE CONSERVATION COMMISSION PUBLIC APPEAL HEARINGS

A quorum of the Tree Conservation Commission (3 members minimum) will preside over the Public Hearing. Each case will be heard in accordance with the procedures below.

### **Procedures**

All testimony shall be taken under oath.

All persons appearing before the Commission shall state their name, relationship to the case, facts of the appeal, and relevant argument.

Each party shall be allowed 5 minutes to speak, unless a request for additional time is made at the beginning of the hearing and granted by the Commission. Multiple speakers presenting for the same side may pool their time for up to 5 minutes.

The Administrative Analyst or designated Tree Commissioner will maintain a count of the time.

All speakers must fill out a "Speaker Sign-In Card."

All exhibits are to be submitted to the Analyst and logged in.

The **official site plan must be made available** to the Tree Commission and verified by the City Arborist and Applicant.

**Filing eligibility:** To appeal decisions affecting tree(s) on *private property*, appellant must be a property owner, business owner, or resident of the NPU in which the property is located, or live within 500 feet of the NPU in which the property is located. To appeal decisions affecting tree(s) on *public property*, any citizen, property owner, or business owner in the City of Atlanta, and/or any civic association in the neighborhood planning unit in which the tree(s) at issue are located may appeal.

### **Order of Presentation**

1. A sounding of the summary of the appeal
2. Appellant submits evidence & official site plan (to Analyst/Clerk)
3. Swear in **all** speakers for case (Commission Chair)
4. Summarization of case (Arborist)
5. Explanation of exhibits (Appellant and/or Arborist)
6. Opening statement and presentation by appellant and statements of other parties supporting case (5 minutes)
7. Statement by any parties opposing the appeal (5 minutes)
8. Rebuttal by appellant (5 minutes)
9. Questions for testifying parties, as required (Commission)
10. Discussion and ruling (Commission)

The Tree Preservation Ordinance of the City of Atlanta, Chapter 158-56 of the Atlanta City Code, 1995, is available at [www.cityofatlanta.com](http://www.cityofatlanta.com) on the Arborist Division webpage. The Arborist Division is within the Bureau of Buildings, which is in the Department of Planning and Community Development.



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### TREE CONSERVATION COMMISSION APPEAL FORM

*revised 6/03/09*

*NOTICE OF APPEAL OF DECISION OF ADMINSTRATIVE OFFICIAL REGARDING TREES*

Date Filed \_\_\_\_\_ Appeal Number (office use only) \_\_\_\_\_

Name of Appellant(s) \_\_\_\_\_  
List all appellants with name, address, and phone number (attach sheet if necessary)

Phone: home \_\_\_\_\_ cell/other \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Name of Owner \_\_\_\_\_

Phone: home \_\_\_\_\_ cell/other \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

### DESCRIPTION OF PROPERTY

Address of  
Property \_\_\_\_\_

Land Lot: \_\_\_\_\_

District: \_\_\_\_\_ County, GA.

Council District \_\_\_\_\_

Neighborhood Planning Unit: \_\_\_\_\_

NOTICE OF APPEAL OF DECISION OF ADMINISTRATIVE OFFICIAL (continued)

*Please provide the information below regarding your appeal case. This information will be available to the members of the Commission prior to the presentation of your case.*

1. What is the basis of your appeal (please check all that apply).
  - ☐ Appeal of facts asserted in notice of illegal destruction of trees.
  - ☐ Appeal of facts asserted in notice of illegal removal of trees.
  - ☐ Appeal of fines for unpermitted removal or destruction of trees.
  - ☐ Appeal of recompense fees.
  - ☐ Request to permit tree(s) as dead, dying, or hazardous was denied.
  - ☐ Plan to remove tree(s) in association with construction was denied.
  - ☐ Plan to remove tree(s) in association with landscaping plan was denied.
  - ☐ Appeal of Preliminary Approval of a plan to remove trees.
  - ☐ Other \_\_\_\_\_

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2. What is the specific decision (and date of the decision) of the City arborist that you are appealing?
3. What decision do you want the Tree Conservation Commission to make?
4. Please identify, by number, the relevant section of the City's Tree Protection ordinance according to which you contend the arborist made an erroneous decision.
5. Briefly summarize the proposed activities on the property.



**NOTICE OF APPEAL OF DECISION OF ADMINISTRATIVE OFFICIAL** *(continued)*

I hereby swear that all statements herein and attached herein are true and correct to the best of my knowledge and belief.

Sworn To and Subscribed Before Me This \_\_\_\_\_ Day of \_\_\_\_\_, 200\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Appellant or Agent for Appellant

*If the owner and appellant is not the same, please complete Attachment 1. If an attorney is filing or testifying on behalf of the appellant, please complete Attachment 2.*

**Attachment 1**

**AUTHORIZATION BY PROPERTY OWNER**

(Required only if appellant is not the owner of the property subject to the appeal.)

I, \_\_\_\_\_ (OWNER's NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY AT \_\_\_\_\_  
\_\_\_\_\_  
(PROPERTY ADDRESS),

AS SHOWN IN THE RECORDS OF \_\_\_\_\_ COUNTY, GEORGIA WHICH IS  
THE SUBJECT MATTER OF THE ATTACHED APPEAL. I AUTHORIZE THE PERSON  
NAMED BELOW TO ACT AS APPELLANT IN THE PURSUIT OF THIS APPEAL.

NAME OF APPELLANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

Personally Appeared  
Before Me

\_\_\_\_\_  
(print name)  
Who swears that the information  
contained in this authorization is  
true and correct to the best of  
his/her knowledge or belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

***Note:** This page (Attachment 1) is required only if the appellant is not the owner of the subject property, or if someone is acting on behalf of the owner.*

**Attachment 2**

**AUTHORIZATION OF ATTORNEY**

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN  
AUTHORIZED BY THE OWNER TO FILE THE ATTACHED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF ATTORNEY

\_\_\_\_\_  
NAME

\_\_\_\_\_  
MAILING ADDRESS

\_\_\_\_\_  
CITY

\_\_\_\_\_  
STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

***Note:** This page (Attachment 2) is required only if an attorney is filing an appeal on behalf of the owner of the subject property.*